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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,331	01/18/2000	John J. Harrington	5817-7L	9576

7590 08-05-2003

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EXAMINER

SHUKLA, RAM R

ART UNIT	PAPER NUMBER
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1632

42

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/484,331

Applicant(s)

HARRINGTON ET AL.

Examiner

Ram R. Shukla

Art Unit

1632

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 10 July 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

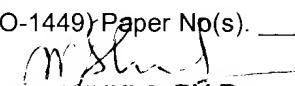
Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 62-69.

Claim(s) withdrawn from consideration: None.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


RAM R. SHUKLA, PH.D.
PRIMARY EXAMINER

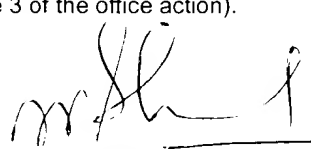
Ram R. Shukla, Ph.D.
Primary Examiner
Art Unit: 1632

Continuation of 2. NOTE: The proposed new claim, Claim 70, will require a new search because it recites a step of protein purification and exposing the protein to the test compounds.

Applicants arguments regarding 112 2nd paragraph rejection, 102 rejection and 112 first paragraph written description of compounds are persuasive and overcome these rejections. However, the 112 first paragraph enablement rejection is maintained for reasons of record set forth in the previous office action of 1-13-03. Contrary to applicants arguments that the only rejection in the case was for written description of compounds, there is an outstanding enablement rejection and it is reiterated that the specification as filed does not describe a method for drug screenig or drug discovery. Applicants' arguments regarding verbal rejection are not persuasive because SPE Reynolds made an observation and did not indicate that the prosecution was to be reopened or that the enablement rejection of record was not appropriate. As noted in the previous office actions of record, the specification as filed except for one sentence does not provide any guidance for carrying out a drug screening assay (see discussion on page 7 in the office action of 10-25-01).

Continuation of 3. Applicant's reply has overcome the following rejection(s): 112 2nd paragraph rejections and 112 first paragraph written description; objection to abstract.

Continuation of 5. does NOT place the application in condition for allowance because: Regarding the issue of declaration by Dr. Dhanoa, it is noted that the affidavit has been considered and the written description rejection has been withdrawn, however, the declaration is not sufficient to obviate the enablement rejection. Likewise, as discussed in the previous office action of 1-13-03, the declaration of Dr. Bennani was considered but it was not sufficient to obviate the enablement rejection (see page 3 of the office action).



RAM R. SHUKLA, PH.D.
PRIMARY EXAMINER